

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 LARRY LIONEL WHITE,
12 Plaintiff,
13 v.
14 CITY OF SAN FRANCISCO; et. al.,
15 Defendants.

No. C 08-4603 SI (pr)

**ORDER DENYING PLAINTIFF'S
MOTION FOR RELIEF FROM
JUDGMENT**

(Docket No. 71)

17 Plaintiff Larry Lionel White, a state prisoner proceeding pro se, has filed a motion for
18 relief from the judgment entered in this court on March 1, 2011 granting defendants' motion for
19 summary judgment. Docket No. 71; see Docket Nos. 69 & 70.

20 Rule 60(b) of the Federal Rules of Civil Procedure provides for relief from a final
21 judgment where one or more of the following is shown: (1) mistake, inadvertence, surprise or
22 excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have
23 been discovered in time to move to alter or amend the judgment, i.e., no later than twenty-eight
24 days after the entry of judgment; (3) fraud, misrepresentation or misconduct by the opposing
25 party; (4) the judgment is void; (5) the judgment is satisfied, released or discharged; or (6) any
26 other reason justifying relief. See Fed. R. Civ. P. 60(b); School Dist. 1J v. ACandS Inc., 5 F.3d
27 1255, 1263 (9th Cir. 1993). Although couched in broad terms, subparagraph (6) requires a
28 showing that the grounds justifying relief are extraordinary. Twentieth Century - Fox Film Corp.

1 v. Dunnahoo, 637 F.2d 1338, 1341 (9th Cir. 1981).

2 Plaintiff's motion, in its entirety, reads as follows: "Plaintiff filed a motion for relief from
3 judgment in the above case number, because of such matters as: (1) mistake, advertance, [sic]
4 surprise or excusable neglect; (2) the judgment's [sic] being the result of fraud,
5 misrepresentation, or misconduct by the other party." Doc. No. 71. Plaintiff does not make a
6 showing of mistake, inadvertence, surprise or excusable neglect. He does not set forth any
7 newly discovered evidence, fraud, or any grounds for finding that the judgment is void or has
8 been satisfied. Nor does he set forth any other reason justifying relief. In short, plaintiff has
9 failed to make the requisite showing under Rule 60(b) that he is entitled to relief from the
10 judgment of this court.

11 Plaintiff's motion for relief from judgment (Doc. No. 71) is **DENIED**.

12 **IT IS SO ORDERED.**

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14 DATED: April 7, 2011
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Susan Illston

SUSAN ILLSTON
United States District Judge

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